

**DECLARATION AND POWER OF ATTORNEY  
FOR PLANT PATENT APPLICATION**

PATENT

Docket No. : 51735/VGG/H320

Attorney : Vincent G. Gioia

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated next to my name. I believe I am the original, first and sole inventor (if only one name is listed below), or a joint inventor (if plural names are listed below) of the new and distinct variety of **HIBISCUS ROSA-SINENSIS PLANT NAMED 'HEARTBEAT'**, which is claimed and for which a patent is sought, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified application, including the specification and claim.

I state that I have invented, or discovered in a cultivated area, and asexually reproduced the new and distinct plant variety.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check if Priority NOT Claimed	Certified Copy Attached (Yes/No)
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I appoint the following attorneys and agents of the law firm Christie, Parker & Hale, LLP to prosecute this application and to transact all business in the Patent Office connected therewith:

D. Bruce Prout	(20,958)	Richard A. Wallen	(22,671)	John W. Peck	(44,284)
Richard J. Ward, Jr.	(24,187)	Michael J. MacDermott	(29,946)	Tom H. Dao	(44,641)
Walter G. Maxwell	(25,355)	Anne Wang	(36,045)	Frank L. Cire	(42,419)
William P. Christie	(29,371)	Constantine Marantidis	(39,759)	Rodney V. Warfford	(51,304)
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John D. Carpenter	(34,133)	Josephine E. Chang	(46,083)	Hayden A. Carney	(22,653)
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The authority under this Power of Attorney of each person named above shall automatically terminate and be revoked upon such person ceasing to be a member or associate of or of counsel to that law firm.

**DIRECT TELEPHONE CALLS TO:**


**Vincent G. Gioia, 626/795-9900**

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**SEND CORRESPONDENCE TO:**

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I, as the below named inventor, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the applications or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR			
Barry Schlueter			
 Inventor's Signature			Date 1/19/2004
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